

US Serial No. 10/518800
Page 4 of 11

Remarks:

Amendments to the claims:

Claims 1-10 are pending in this application. By this Amendment, claims 1 and 2 are amended, and claim 12 is canceled. Claims 1 and 2 were amended to address rejections under 35 USC 112 and an objection to the specification.

No new matter is added to the application by this Amendment. Support for new features added to claims 1 and 2 can be found within the specification, as originally filed, at, for example, paragraphs [0001], [0015], [0017] and [0018] of US 2005/0202190 A1 for the present application.

Regarding the rejection of claims 1-10 and 12 under 35 USC 103(a) in view of US 2003/109395 to Neumiller in view of US 6,669,763 to Ghodoussi et al. (hereinafter "Ghodoussi") in view of EP 0392316 to Leacock:

Applicants thank the Examiner for withdrawing the prior rejection of all prior claims in view of the combined Ghodoussi and Leacock references.

Regarding the rejections of claims 1-10 and 12 under 35 USC 112, second paragraph:

The Patent Office alleges that claims 1-10 and 12 are allegedly indefinite because claim 1 allegedly recites "and water in an amount of 50-98% in each case by weight" and that the claimed ranges in claim 1 allegedly do not amount to 100% when added together.

Applicants respectfully disagree with the allegations by the Patent Office.

In view of the cancellation of claim 12, these rejections are moot with respect to that claim.

Applicants amended claim 1 to recite "the remainder to 100%wt. with water and in an amount of at least 80%wt. water".

US Serial No. 10/518800
Page 5 of 11

Thus, Applicants submit that amended claim 1 is definite and particularly points out and distinctly claims the subject matter which Applicants regard as the invention.

Additionally, Applicants submit that the amendment to claim 1 overcomes the rejection under 35 USC 112, second paragraph.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-10 and 8 under 35 USC 112, second paragraph.

Regarding the objection of specification for allegedly failing to provide proper antecedent basis for the claimed subject matter:

Applicants respectfully traverse the objection of the specification.

Claim 1 was amended recite "0.01 – 5% of a paraffin wax" and claim 2 was amended to recite "0.05% to 3% by weight" which find proper antecedent basis in paragraphs [0013] and [0014] and Formulation A of the present specification. Claim 1 was also amended to recite "0.5 – 20%wt. of an aliphatic C₁ – C₄ alcohol carrier or cleaner" which finds proper antecedent basis in paragraphs [0018] and [0019] and Formulation A of the present specification.

Formulation A of the present specification discloses a formulation that has 0% by weight of an anti-static compound as shown in the table of components for Formula A (see paragraph [0064]). Accordingly, the present specification supports the claimed range of 0 – 10%wt. of an anti-static compound.

Applicants submit that the amendments to claims 1 and 2 overcome the objection to the specification as set forth in the Office Action.

Regarding the rejection of claims 1-10 and 12 under 35 USC 103(a) in view of US 5,700,768 to Lu in view of Ghodoussi and further in view of Leacock.

The applicant traverses the Examiner's ground of rejection in view of the combined Lu, Ghodoussi and Leacock references.

US Serial No. 10/518800
Page 6 of 11

Prior to discussing the merits of the Examiner's position with respect to "obviousness", the undersigned reminds the Examiner that the determination of obviousness under §103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. More recently in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007), the Supreme Court held that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) "Obvious to try" - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP 2141 (III).

US Serial No. 10/518800
Page 7 of 11

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

The Patent Office alleges that each and every feature of the foregoing claims would have been obvious to a skilled artisan at the time of the invention in view of the teachings of Lu, Ghodoussi and Leacock. Applicants respectfully disagree with the allegations of the Patent Office as set forth in the Office Action.

Amended claim 1 requires a moist wipe for cleaning a wooden surface to reduce or prevent the formation of water stains, the wipe comprising a sheet material pre-moistened with a liquid composition, said liquid composition being an aqueous emulsion consisting of (a) 0.01 - 5%wt. of a paraffin wax, (b) 0 - 10%wt. of an anti-static compound, (c) 0.5%wt. - 20%wt. of an aliphatic C₁-C₄ alcohol carrier or cleaner; (d) 0 - 0.2%wt. of a fragrance, and (e) the remainder to 100%wt. with water in an amount of at least 80wt., wherein no silicone compounds are present in said liquid composition.

US Serial No. 10/518800
Page 8 of 11

Lu discloses floor cleaning compositions, suitable for use on wooden floors, containing water and surfactants (nonionic surfactants, amphoteric surfactants (hydrotropes) and anionic surfactants). Lu's compositions may, optionally, include various other components including fragrance & preservatives.

Lu fails to disclose a composition that is suitable for preventing/reducing the formation of water stains on a wooden surface and fails to disclose the following claimed components:

- paraffin wax;
- anti-static compounds; and
- aliphatic alcohol carrier (the alcohols cited, by the Patent Office, in col.3, lines 60-65 of Lu are not aliphatic carriers; instead, they are merely examples of nonionic surfactants and such nonionic surfactants are excluded from the amended claim 1 with "consisting of" language).

Additionally, Applicants would like to point out to the Patent Office that col. 10, lines 28-35 of Lu specifically teaches to the skilled man that organic solvents are desirably excluded from Lu's compositions because organic solvents are deleterious to the floor finish. Specifically, col. 10, lines 28-35 of Lu discloses the following:

Organic solvents are desirably excluded as the present inventors have found that the contact of one or more organic solvents, especially prolonged contact, is often deleterious to the floor finish, particularly to flooring surfaces coated or treated with a finishing composition based on one or more organic polymers, including polyurethanes, varnishes, shellacs, as well as more recently available aqueous polymer dispersions such as that marketed as PolycrylicsTM (Minwax Co., Montville N.J.), and the like.

Ghodoussi also indicates that the compositions disclosed thereby should be "substantially free of solvents" (col.3, lines 25-27). Specifically, col. 3, lines 25-27 of Ghodoussi discloses the following:

US Serial No. 10/518800
Page 9 of 11

It is another object of the present invention to provide a composition that is substantially free of solvents therefore it is environmentally friendly as well as consumer friendly.

Therefore, if Patent Office's assertions, set forth in the first and second full paragraphs on page 6 of the Office Action, were accurate that it would have been obvious to combine the teachings of Lu with the teachings Ghodoussi, such a combination would not result in the claimed composition to be used on the claimed moist wipe since the skilled artisan would have to defy the teaching of both Lu and Ghodoussi which specifically teach away from using an organic solvent such as the presently claimed aliphatic alcohol.

Furthermore, as previously submitted to the Patent Office, Ghodoussi teaches that it was necessary to include reaction products of anionic and cationic surfactants. Therefore, if the teachings of Lu and Ghodoussi are combined, the resulting composition may, as the Patent Office has suggested, contain wax, but it would also include the above-mentioned surfactant reaction products from Ghodoussi (which are specifically excluded from amended claim 1), no organic alcohol carrier solvent (which is specifically required in amended claim 1) and may or may not contain silicone if the numerous references to the benefits of its inclusion in Ghodoussi is relied upon.

Applicants traverse the Examiner's rejection of the claims in view of the combination of the Lu and Ghodoussi in further view of the Leacock. Leacock fails to remedy the above-mentioned deficiencies of Lu and Ghodoussi.

Based on the foregoing, Applicants submit that a *prima facie* case of obviousness has not been established. Thus, Applicants submit that Lu, Ghodoussi and Leacock, taken singly or in combination, do not teach or suggest a wipe comprising a sheet material pre-moistened with a liquid composition, said liquid composition being an aqueous emulsion consisting of (a) 0.01 - 5%wt. of a paraffin wax, (b) 0 - 10%wt. of an anti-static compound, (c) 0.5%wt. - 20%wt. of an aliphatic C₁-C₄ alcohol carrier or cleaner; (d) 0 - 0.2%wt. of a fragrance, and (e) the remainder to 100%wt. with water in an amount of at least 80wt., wherein no silicone compounds are present in said liquid composition as recited in amended claim 1.

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US Serial No. 10/518800
Page 10 of 11

Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 under 35 USC 103 are respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

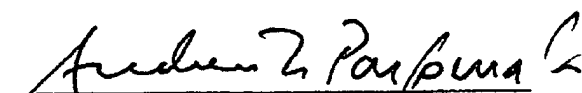
PETITION FOR A THREE-MONTH EXTENSION OF TIME

The applicant respectfully petitions for a three-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this Petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;


Andrew N. Parfomak, Esq.

14 Dec 2010
Date:

Reg.No. 32,431
Norris, McLaughlin & Marcus P.A.
875 Third Avenue
New York, NY 10017

Tel: 212 808-0700